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UNCLAS SECTION 01 OF 10 PANAMA 000548

SIPDIS

SENSITIVE

STATE PASS FOR G/TIP, G, INL, DRL
PRM, IWI, WHA/PPC/FALLS, AND WHA/CEN/BRIGHAM
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E.O. 12958: N/A

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SUBJECT: PANAMA'S INPUT FOR FOURTH ANNUAL ANTI-TRAFFICKING
IN PERSONS (TIP) REPORT

REF: A. SECSTATE 7869
 1B. 03 SECSTATE 27013
 1C. PANAMA 399
 1D. SINTESIS REGIONAL - INTERNATIONAL LABOR
 ORGANIZATION
 1E. PANAMA 229
 1F. PANAMA 419
 1G. 03 PANAMA 708
 1H. 03 PANAMA 1015
 1I. 03 PANAMA 3095
 1J. 03 PANAMA 3224
 1K. PANAMA 148
 1L. SUHR-MCINTYRE E-MAIL 3/2/04
 1M. RESEARCH FOR SEX WORK JOURNAL 6/02
 1N. 03 PANAMA 3170
 1O. LINDERMAN-MCINTYRE E-MAIL 2/13/04
 1P. DIRECTORIO DE INSTITUCIONES- INTERNATIONAL
 LABOR ORGANIZATION
 1Q. PANAMA 226

SUMMARY

1. (SBU) While Embassy Panama believes that trafficking in persons (TIP) is a problem in Panama, it is still relatively small and manageable. Embassy has worked closely with the Government of Panama (GOP) to discover more about the extent of the problem in Panama and to encourage the GOP to work harder and more effectively to put an end to it. We believe that the GOP is moving quickly in the right direction to address TIP and we have found great support for enhanced anti-TIP measures from all GOP levels, including its highest officials. The GOP acknowledges that it has a TIP problem and is carrying out more intensive measures to sharply reduce the number of TIP victims. In particular, the GOP recognizes that enhanced public awareness, public statements by government officials, effective legislation, aggressive police work and prosecution, victim assistance, and better program coordination all are necessary components to successful anti-TIP efforts. The GOP is open to suggestions from Embassy-G/TIP and GOP ministries and the Legislative Assembly are increasingly "on alert" about the seriousness of TIP. End Summary.

2. (U) Per Reftels (A and B) Embassy Panama is pleased to submit its input for the annual Trafficking in Persons (TIP) report.

3. (SBU) Answers to Checklist Question 18.

1A. IS THE COUNTRY A COUNTRY OF ORIGIN, TRANSIT OR DESTINATION FOR INTERNATIONALLY TRAFFICKED MEN, WOMEN OR CHILDREN? Yes. SPECIFY NUMBERS WITHIN EACH GROUP: Estimated Men (0), Women (50-100), Children (50-100). DOES THE TRAFFICKING OCCUR WITHIN THE COUNTRY'S BORDERS? Yes.

DOES IT OCCUR IN AN AREA OUTSIDE THE GOVERNMENT'S CONTROL? No. ARE THERE ESTIMATES OR RELIABLE NUMBERS AVAILABLE AS TO THE EXTENT OR MAGNITUDE OF THE PROBLEM? PLEASE INCLUDE ANY NUMBERS OF VICTIMS. WHAT IS (ARE) THE SOURCE(S) OF AVAILABLE INFORMATION ON TRAFFICKING IN PERSONS? HOW RELIABLE ARE THE NUMBERS AND THESE SOURCES? GOP tracks arrests, prosecutions, and victim complaints, in addition to deportations of illegal foreign sex workers. (Ref. C) The International Labor Organization (ILO)/Program for Eradication of Child Labor (IPEC), along with academics at the University of Panama (UP), publish reports on commercial sexual exploitation of minors. (Ref. D) (NOTE: ILO/IPEC is working regionally to

combat commercial sexual exploitation of minors. End Note)
Panama's press has reported on underage sex workers and arrests and prosecutions of their traffickers. (Ref. E & F)
GOP and NGOS officials also provide verbal reports and updates to Emboffs on numbers of TIP victims. (Ref. C)

GOP and ILO reports and commentary are reliable. Press reports at times are reliable, but are often sensationalized. A combination of official GOP reports, NGO studies, discussions with GOP and NGO officials, and extrapolation indicates the overall TIP victim total surpasses Department and G/TIP's 100 victim threshold. Estimated number of victims is 50-100 Women. Embassy evaluated the sources of the reports and took a "realistic and solid evidence" approach, basing total TIP victims numbers on verifiable evidence and knowledge of Panama's overall social and economic conditions. The estimates for the adults does assume that a small percentage (5-10%) of female sex workers in Panama or transiting Panama could be considered TIP victims. All knowledgeable TIP sources agree that the overwhelming majority of adult female sex workers in Panama or transiting Panama have chosen their profession freely and are not to be considered TIP victims. (Ref. C, G, H, I, J)

The estimated number of minor TIP victims is 50-100. This estimate is based on ILO/IPEC reports, recent child sex worker ring busts, and meetings with NGOs. (Ref. E and K)
The ILO reports indicate that there are at least 100 minors who are sexually exploited for commercial purposes, but a careful reading reveals that many of the victims appear to be part of the larger problem of familial sexual abuse or prostitute themselves because of drug addictions.

Official GOP reports would indicate a combined adult and minor TIP victim population of 20-60 based on complaints, investigations, and extrapolation from other official records. Immigration Department officials indicated approximately 125 women were deported for working illegally in the sex trade, mainly Colombians and some Dominicans. They reported that none of these women claimed to be TIP victims. (Ref. L) (Note: There have been unsubstantiated allegations of debt bondage amongst smuggled Mainland Chinese. (Ref. K) No evidence has been uncovered to support these allegations. Embassy continues to search for more credible evidence. Estimates are not provided for debt bondage TIP victims. End Note.)

1B. WHERE ARE PERSONS TRAFFICKED FROM? Women: Colombia (primarily), Dominican Republic. **Children:** No credible evidence of international trafficking of children to or through Panama. **WHERE ARE THE PERSONS TRAFFICKED TO:** Panama, Costa Rica, United States (through Central America).

1C. HAVE THERE BEEN ANY CHANGES IN THE DIRECTION OR EXTENT OF TRAFFICKING? In recent months it is likely that trafficking slowed because of high-profile arrests and prosecutions. The direction of trafficking has not changed. For women it flows from Colombia and Dominican Republic to or through Panama. For minors, evidence indicates it is an internal trafficking issue only.

1D. ARE THERE EFFORTS OR SURVEYS PLANNED OR UNDERWAY TO DOCUMENT THE EXTENT AND NATURE OF TRAFFICKING THE COUNTRY? IS ANY ADDITIONAL INFORMATION AVAILABLE FROM SUCH REPORTS OR SURVEYS THAT WAS NOT AVAILABLE LAST YEAR? ILO/IPEC publishes reports and studies on the extent of commercial sexual exploitation of minors in Panama. (Ref. D) Most of their reports have been published within the last two years. NGOS publish reports on the health status of sex workers in Panama. (Ref. M) The GOP tracks TIP victims complaints/cases through the Panamanian Judicial Police (PTJ) Sex Crimes Unit. Immigration tracks deportations of illegal sex workers. GOP could improve its reporting with better inter-agency coordination and a more formalized structure.

1E. IF THE COUNTRY IS A DESTINATION POINT FOR TRAFFICKED VICTIMS: WHAT KIND OF CONDITIONS ARE THE VICTIMS TRAFFICKED INTO? WHAT METHODS ARE USED TO ENSURE THEIR COMPLIANCE? ARE THE VICTIMS SUBJECT TO VIOLENCE, THREATS, WITHHOLDING OF DOCUMENTS, DEBT BONDAGE, ETC? Women and minors (girls) are trafficked into massage parlors and nude dancing establishments, which serve as brothels. Many also work on the streets. PTJ Sex Crime Unit detectives indicate that withholding of documents (passports) and heavy debts are the most common means of ensuring compliance. Withholding of documents is most common for those who are working illegally (without work permits/"alternadora" visas) in prostitution. Threats of violence have not been reported in the vast

majority of cases. In a recent bust of child prostitution ring, PTJ detectives told EmbOffs that the minor victims (girls) and their families feared physical harm from the ring's operators who are linked with known drug traffickers. (Ref. F)

1F. IF THE COUNTRY IS COUNTRY OF ORIGIN: Panama is not a country of origin for women or minors. WHICH POPULATIONS ARE TARGETED BY TRAFFICKERS? WHO ARE THE TRAFFICKERS? WHAT METHODS ARE USED TO APPROACH VICTIMS? WHAT METHODS ARE USED TO MOVE VICTIMS? GOP and ILO reports indicate minors (girls) are offered cash and clothing by those running sex worker rings. Traffickers are usually non-family, third parties. According to recent reports, girls are approached on the streets when away from their parents by third parties. Victims are transported within Panama by car and usually within a relatively limited area. (Ref. F) Adult victims are likely Colombian, and, to a lesser extent, Dominican female sex workers that arrive willingly in Panama to work in the sex trade but could become victims of TIP.

1G. IS THERE POLITICAL WILL AT THE HIGHEST LEVELS OF GOVERNMENT TO COMBAT TRAFFICKING IN PERSONS? Yes. IS THE GOVERNMENT MAKING A GOOD FAITH EFFORT TO SERIOUSLY ADDRESS TRAFFICKING? Yes. IS THERE A WILLINGNESS TO TAKE ACTION AGAINST GOVERNMENT OFFICIALS LINKED TO TIP? Yes. IN BROAD TERMS, WHAT RESOURCES IS THE HOST GOVERNMENT DEVOTING TO COMBATING TRAFFICKING IN PERSONS (IN TERMS OF PREVENTION, PROTECTION, AND PROSECUTION) The GOP, within its limited means, devotes considerable resources to combating TIP. The Foreign Ministry (MFA) and the Ministry of Government and Justice (MOGJ) are well aware of the issue and are strengthening their efforts and putting into place pro-active and imaginative measures to combat TIP ((see para. 3(A), 4(A) and 5(A))). (Refs. C, G, H, N) The PTJ Sex Crimes Unit along with the Family and Children Court District Attorneys (Fiscales) are the primary investigation and prosecution arm of the GOP. Within the Sex Crimes Unit, there are 6 detectives who have specialized TIP knowledge but they do not exclusively investigate TIP cases. (NOTE: Panama has a greater magnitude problem of sexual violence and non-commercial sexual exploitation. Resources and manpower within the Sex Crimes Unit and the District Attorneys offices are dedicated accordingly. End Note.)

The Immigration Department as part of its broader mission to deter illegal migration conducts raids on brothels and other establishments where TIP victims may be present. These operations are carried out every two to three months and on an ad-hoc basis responding to complaints and leads. Immigration works in conjunction with the Panama National Police (PNP). (Ref. L) Immigration also has increased airport and border-crossing enforcement, often in conjunction and with the assistance of USG resources. As discussed with EmbOffs, Immigration officers are aware that certain visitors to Panama fit the profile of persons seeking to work illegally in the sex trade who could subsequently become or are TIP victims. (NOTE: The profile includes adult women from Colombia or the Dominican Republic with limited cash, a one way or open-ended ticket, who often claim to be artists or hairdressers. End Note.) The National Air Service (SAN) and National Marine Service SMN also conduct interdictions to apprehend illegal migrants. To date, no TIP victims have been found in these interdictions.

The Ministry of Labor, Youth, Women, Children and Family Affairs, and Education have projects designed to eliminate illegal child labor, forced or otherwise, which can include commercial sexual exploitation of minors. NGOs ((see para. 5(I)) and international organizations (such as ILO) are also active in combating the larger problems of domestic violence and sexual abuse of women and children. Combating TIP has a natural link with their work in these areas.

Panama's legislature is preparing an important improvement to its existing TIP law ((see para. 5(A))).

Per Reftels (C, G, H, N) USG has on-going TIP dialogue with all levels of the GOP. The message has been delivered and heard by from the President to the offices of the PTJ Sex Crime Unit. Embassy continues to work closely with the highest levels of the GOP and believes that in the coming weeks and months, GOP will further strengthen their anti-TIP efforts.

1H. DO GOVERNMENTAL AUTHORITIES OR INDIVIDUAL MEMBERS OF GOVERNMENT FORCES FACILITATE OR CONDONE TRAFFICKING, OR ARE THEY OTHERWISE COMPLICIT IN SUCH ACTIVITIES? No. There are

allegations that a Panamanian consul is facilitating TIP related visa and/or passport fraud. (Ref. O) Embassy is working with the GOP to investigate allegations. Embassy is confident GOP would welcome additional information and take appropriate action. DO GOVERNMENT OFFICIALS (SUCH AS CUSTOMS, BORDER GUARDS, IMMIGRATION OFFICIALS, LABOR INSPECTORS, LOCAL POLICE, OR OTHERS) RECEIVE BRIBES FROM TRAFFICKERS OR OTHERWISE ASSIST IN THEIR OPERATIONS? No evidence has been uncovered regarding bribes to GOP officials from TIP traffickers. WHAT PUNITIVE MEASURES, IF ANY, HAVE BEEN TAKEN AGAINST THOSE INDIVIDUALS COMPLICIT OR INVOLVED IN TRAFFICKING? N/A, see above.

I. WHAT ARE THE LIMITATIONS ON THE GOVERNMENT'S ABILITY TO ADDRESS THIS PROBLEM IN PRACTICE? FOR EXAMPLE, IS FUNDING FOR POLICE OR INSTITUTIONS INADEQUATE? Funding is limited for TIP-specific investigations within PTJ, PNP, Immigration and other GOP ministries. Lack of funding limits training and hurts victim's assistance and coordination within the GOP and with NGOs. The current anti-TIP, anti-child pornography law, while sufficient, can hamper active investigations because of the need for a formal complaint to be filed and antiquated legal definitions. (Ref. C) IS OVERALL CORRUPTION A PROBLEM? Corruption is a problem in Panama. However, corruption does not seem to be related to GOP anti-TIP and anti-child pornography efforts.

J. TO WHAT EXTENT DOES THE GOVERNMENT SYSTEMATICALLY MONITOR ITS ANTI-TRAFFICKING EFFORTS (ON ALL FRONTS, PROSECUTION, PREVENTION, AND VICTIM PROTECTION) AND PERIODICALLY MAKE AVAILABLE, PUBLICLY AND PRIVATELY AND DIRECTLY OR THROUGH REGIONAL/INTERNATIONAL ORGANIZATIONS, ITS ASSESSMENTS OF THESE ANTI-TRAFFICKING EFFORTS? The PTJ Sex Crimes Unit tracks all active and closed cases and prosecutions. The PNP and Immigration have statistics on deportations, including those involving illegal prostitution. The GOP Ministries that work to eradicate forced child labor and commercial sexual exploitation of minors all track results of their projects. The GOP shares its statistics with NGOS, ILO/IPEC, and the Embassy. Embassy officials can call at any time and receive the latest updates from these GOP ministries. ILO/IPEC uses statistics from the PTJ to supplement their own reporting.

K. IS PROSTITUTION LEGALIZE OR DECRIMINALIZED? Yes and it is regulated. IF PROSTITUTION IS LEGAL AND REGULATED, WHAT IS LEGAL MINIMUM AGE FOR THIS ACTIVITY? 18

L. DOES THE PRACTICE OF BUYING OR SELLING CHILD BRIDES (BRIDES UNDER THE AGE OF 18 YEARS) OCCUR IN COUNTRY? No. DO MEN OF THE COUNTRY TRAVEL ABROAD TO PURCHASE CHILD BRIDES? No

14. (SBU) Answers to checklist question 19

A. DOES THE GOVERNMENT ACKNOWLEDGE THAT TRAFFICKING IS A PROBLEM IN THAT COUNTRY? Yes, GOP officials acknowledge there are TIP victims in Panama. Those within GOP working to combat TIP speak openly about its existence in Panama but most do not believe there are more than 100 victims. (Ref. C) However, GOP continues devote considerable time, efforts and resources to combating TIP.

B. WHICH GOVERNMENT AGENCIES ARE INVOLVED IN ANTI-TRAFFICKING EFFORTS? PTJ (including Sex Crimes Unit), PNP, Immigration, MFA, Ministry of Labor, Ministry of Health, SAN, SMN, Family and Child Courts, District Attorneys, the Ombudsman (Defensora) and the Legislature.

C. ARE THERE OR HAVE THERE BEEN GOVERNMENT-RUN ANTI-TRAFFICKING INFORMATION OR EDUCATION CAMPAIGNS? IF SO, BRIEFLY DESCRIBE THE CAMPAIGN(S), INCLUDING THEIR OBJECTIVE AND EFFECTIVENESS. DO THESE CAMPAIGNS TARGET POTENTIAL TRAFFICKING VICTIMS AND/OR THE DEMAND FOR TRAFFICKING (E.G. "CLIENTS" OF PROSTITUTES OR BENEFICIARIES OF FORCED LABOR). The PTJ Sex Crimes Unit has conducted informal education sessions at schools and universities specifically discussing trafficking and related crimes. The government, to date, has not conducted a formal national outreach campaign. Embassy plans to assist the PTJ and other GOP ministries with the development of a public education program within the coming months. (Ref. C) Program will follow similar format as the GOP educational campaigns on money-laundering, drugs, and violent crimes. The Ministries of Labor, Education, Youth, Women, Children, and Family Affairs conduct educational campaigns about the negative effects of sexual abuse and forced child labor, including commercial sexual exploitation of minors. Immigration hosts radio call-in program where a variety of

migration issues are discussed. (Ref. L) (NOTE: USG assistance supported GOP educational campaigns addressing money laundering, drugs, and violence. Given the increased USG, GOP, and international communities efforts to combat TIP, USG support will enhance GOP's on-going efforts. End Note.)

1D. DOES THE GOVERNMENT SUPPORT OTHER PROGRAMS TO PREVENT TRAFFICKING? (E.G. TO PROMOTE WOMEN'S PARTICIPATION IN ECONOMIC DECISION-MAKING OR EFFORTS TO KEEP CHILDREN IN SCHOOL). PLEASE EXPLAIN. Yes, GOP sponsors a number of programs through the Ministries of Health, Labor, Education, and Youth, Women, Children and Family Affairs. These programs range from increasing access to education for child workers, anti-drug, HIV and Safe Sex awareness, and combating violence against women. (Ref. G & N) NGOs and other international organizations sponsor similar campaigns. (Ref. K)

1E. IS THE GOVERNMENT ABLE TO SUPPORT PREVENTION PROGRAM? Yes, but limited due to lack of funding.

1F. WHAT IS THE RELATIONSHIP BETWEEN GOVERNMENT OFFICIALS, NGOS, OTHER RELEVANT ORGANIZATIONS AND OTHER ELEMENTS OF CIVIL SOCIETY ON TRAFFICKING ISSUE? Good. The GOP working relations, especially through the PTJ Sex Crime Unit, with the ILO/IPEC are good. Embassy believes enhanced focus on prevention and victims assistance would improve effectiveness of GOP and NGO efforts to combat TIP. USG-GOP relations are outstanding on this issue. EmbOffs and Washington Reporting Officers are granted immediate and unrestricted access to GOP officials, including the opportunity to conduct "ride-alongs" with PTJ sex crimes unit detectives.

1G. DOES THE GOVERNMENT ADEQUATELY MONITOR ITS BORDERS? Yes. DOES IT MONITOR IMMIGRATION AND EMIGRATION PATTERNS FOR EVIDENCE OF TRAFFICKING? Yes. DO LAW ENFORCEMENT AGENCIES RESPOND APPROPRIATELY TO SUCH EVIDENCE? Yes, the Immigration Department continues to increase its efforts to stem the flow of illegal migrants to and through Panama. While the vast majority of those identified as illegal foreign sex workers are not TIP victims, Immigration does track the number of sex workers they deport. According to Immigration officials, of the approximately 125 illegal foreign sex workers, all asked for voluntary departure and did not claim to be TIP victims. (Ref. L) DHS/ICE works closely with Panamanian Immigration on detection and investigation of alien smuggling and TIP. The SAN and SMN also conduct interdictions based on intelligence received. The overwhelming majority of those persons arrested are being voluntarily smuggled and not trafficked.

1H. IS THERE A MECHANISM FOR COORDINATION AND COMMUNICATION BETWEEN VARIOUS AGENCIES, SUCH AS MULT-AGENCY WORKING GROUP OR TASK FORCE? DOES THE GOVERNMENT HAVE A TRAFFICKING IN PERSONS TASK FORCE? There is no formal TIP task force. The MFA conducts ad-hoc briefings with various GOP ministries based on USG demarches and of its own initiative. Ministries also work together on prevention, protection, and prosecution on an ad-hoc basis. ILO/IPEC has published a report with detailed information on which GOP agencies and NGOS are working to combat commercial sexual exploitation of minors. (Ref. P) DOES THE GOVERNMENT HAVE A PUBLIC CORRUPTION TASK FORCE? No. GOP has an anti-corruption prosecutor and the Ministry of Economics and Finance has an office to coordinate anti-corruption efforts.

1I. DOES THE GOVERNMENT COORDINATE OR PARTICIPATE IN MULTINATIONAL OR INTERNATIONAL WORKING GROUPS OR EFFORTS TO PREVENT, MONITOR, OR CONTROL TRAFFICKING? GOP coordinates border control with neighboring countries through Immigration and PNP. GOP and the Government of Colombia (GOC) have a border security working group for Darien Province. GOP works directly with the International Organization on Migration (IOM) on alien smuggling and anti-TIP programs. PTJ and PNP receive intelligence from Interpol on TIP cases. (NOTE: Embassy believes GOP would support and participate actively in any additional bi-lateral and/or regional working groups. End Note.)

1J. DOES THE GOVERNMENT HAVE A NATIONAL PLAN OF ACTION TO ADDRESS TRAFFICKING IN PERSONS? GOP does not have published national anti-TIP plan, however GOP, Legislature, international organizations (ILO), and NGOS have a number of proposals that if coordinated and formalized with their on-going efforts to combat TIP would constitute a national action plan. IF SO, WHICH AGENCIES WERE INVOLVED IN DEVELOPING IT? District Attorneys, PTJ, Immigration, PNP, Labor, Youth, Women, Children and Family Affairs, Legislature WERE NGOS CONSULTED IN THE PROCESS? Yes. WHAT STEPS HAS THE

GOVERNMENT TAKEN TO DISSEMINATE THE ACTION PLAN? Proposed legislation has been discussed in the press. The ILO action plan reports are public documents. GOP should publicize their efforts to combat TIP more.

1K. IS THERE SOME ENTITY OR PERSON RESPONSIBLE FOR DEVELOP ANTI-TRAFFICKING PROGRAMS WITH THE GOVERNMENT? Given their investigative and prosecution responsibilities, the PTJ and the District Attorneys are the primary anti-TIP agencies within the GOP. Immigration has strong role within the context of border security and illegal migration. The Ministries of Labor and Youth, Women, Children and Family Affairs concentrate on efforts to combat commercial sexual exploitation of children. MFA serves as a moderator and brings together various GOP ministries to address current TIP issues.

15. (SBU) Answers to checklist question 20

1A. DOES THE COUNTRY HAVE A LAW SPECIFICALLY PROHIBITING TRAFFICKING IN PERSONS-BOTH FOR SEXUAL EXPLOITATION AND TRAFFICKING FOR NON-SEXUAL PURPOSES (E.G. FORCED LABOR)? Yes. IF SO, WHAT IS THAT LAW? Section 310 and 310 (a) The law makes it a punishable crime for those who traffick people, or those who are part of an organization that trafficks people. The law also makes punishable any intervention related to trafficking involving fraud, or evading any immigration law in pursuit of trafficking. A third law, Law 231, makes it a crime to facilitate the entry or exit of a person to engage in non-regulated prostitution, although it does not specifically mention trafficking. Article 501 of the Family Code and Article 215C of the penal code criminalize child prostitution and child pornography. ARE THESE LAWS, TAKEN TOGETHER, ADEQUATE TO COVER THE FULL SCOPE OF TRAFFICKING IN PERSONS? Yes. However, the laws need updating. Investigations and prosecutions are hampered by the need for a formal complaint to be filed in TIP-specific investigations. Police officials need legal authorization to be more aggressive in their investigations. The child pornography laws needs to be updated to incorporate the wide reaching effects of the Internet and to include harsher penalties for TIP and child pornography.

A bill is currently before the legislature and with good chances of passage would remedy most if not all of the current shortcomings. Based on recent meetings between EmbOffs and legislative leaders from two leading political parties, it seems likely that an updated, tougher anti-TIP and anti-child pornography legislation will pass during the current legislative session. The legislation would increase penalties for TIP, expand definitions of child pornography to include Internet based crimes, and eliminate the need for a formal complaint to initiate TIP-specific investigations. (NOTE: Panamanian legislators proposed the new legislation on their own initiative and not because of pressure from EmbOffs. End Note.) Upon seeing G/TIP's model legislation, Panamanian legislators agreed to incorporate as much as possible into the pending bill. In addition, the GOP is proposing a "cyber-police force" that would investigate child pornography on the Internet. (Ref. F)

The Immigration Department is proposing eliminating the "alternadora" visa for foreign sex workers. (NOTE: Contrary to prior information given to Embassy, the alternadora is not restricted to Colombians. However, the vast majority of recipients are Colombians. This visa was established in the 1950s at the request of the USG. End Note.)

1B. WHAT ARE THE PENALTIES FOR TRAFFICKERS OF PEOPLE FOR SEXUAL EXPLOITATION? FOR TRAFFICKERS OF PEOPLE FOR LABOR EXPLOITATION? Law 310 sets the penalty at 10-15 years in prison. Law 310 A sets it at 5-10 years. The different penalties depend on the circumstances and severity of the offense. Under Law 231, the penalty is 2 to 4 years and 6 years under more aggravated circumstances.

1C. WHAT ARE THE PENALTIES FOR RAPE OR FORCIBLE SEXUAL ASSAULT? HOW DO THEY COMPARE TO THE PENALTY FOR SEX TRAFFICKING? Under laws 216-218 of the penal code, rape is punishable by 3 to 10 years under most circumstances, and 5 to 10 years under more serious circumstances.

1D. HAS THE GOVERNMENT PROSECUTED ANY CASES AGAINST TRAFFICKERS? Yes. IF SO, PROVIDE NUMBER OF ARRESTS, INDICTMENTS, CONVICTIONS, SENTENCES, INCLUDING DETAILS ON PLEA BARGAINS AND FINES, IF RELEVANT AND AVAILABLE. In 2003-2004, the Sex Crimes Unit (PTJ) has completed six formal investigations leading to 10 arrests for TIP-specific crimes,

more arrests are possible. Two cases (total of approximately five adults) have been forwarded to the District Attorney (Fiscal) for trial. Other cases are awaiting transfers to the District Attorney. The Supreme Court recently rejected an appeal of an infamous child prostitution ring leader Thonya Hubbard and upheld her 76 months sentence. An associate (Thanya Bedoya) was sentenced to 3 years and a client/associate (Larry Pinto) was sentenced 2 years and 3 months. (Ref. F) Hubbard was convicted twice in separate trials in 1999 and 2002. Bedoya was convicted in 1999 and Pinto in 2002.

The PTJ has been conducting TIP-specific investigations since 1999. There were approximately 6 TIP specific investigations before 2003. The Sex Crimes Unit has doubled the amount of formal investigations since last year's TIP report. The unit does conduct surveillance and intelligence gathering on TIP but does not classify those operations as formal investigations. As noted, the need for a formal complaint prior to an investigation limits does has limiting effect. (NOTE: The Panamanian judicial system is slow, inept and often corrupt. While no evidence indicates corruption affects TIP investigation, the overall nature of the system does slow TIP prosecutions. End Note.)

Immigration, in conjunction with the District Attorneys and the PNP, have kept a number of brothels (EL Ovalo, El Halcon, El Buffalo) closed for several months based on complaints and investigations. While no TIP victims were discovered, Immigration kept the establishments closed for other violations. Immigration fines brothels with illegal foreign sex workers. (Ref. L) ARE THE TRAFFICKERS SERVING TIME SENTENCED? Yes. IF NO, WHY NOT? PLEASE INDICATE WHETHER THE GOVERNMENT CAN PROVIDE THIS INFORMATION, AND IF NOT, WHY NOT? Government willingly provides all information.

1E. IS THERE ANY INFORMATION OR REPORTS OF WHO IS BEHIND THE TRAFFICKING? Yes, independent dance club and/or massage parlor owners and, on occasion, persons with connections to illegal drug trade ARE GOVERNMENT OFFICIALS INVOLVED? No hard evidence of government officials involved. There is one third party, third country allegation of a GOP official issuing visas and passports to women for alien smuggling and TIP. (Ref. O) ARE THERE ANY REPORTS OF WHERE PROFITS FROM TRAFFICKING IN PERSONS ARE BEING CHanneled? (E.G. ARMED GROUPS, TERRORIST ORGANIZATIONS, JUDGES, BANKS, ETC). Most profits appear to go directly to traffickers. One child prostitution ring had ties to drug traffickers.

1F. DOES THE GOVERNMENT ACTIVELY INVESTIGATE CASE OF TRAFFICKING? Yes, however PTJ Sex Crime Unit is limited by law and must have formal complaint to investigate TIP cases. Immigration and PNP have more freedom to investigate alien smuggling, which may include TIP victims. (Ref. C) DOES THE GOVERNMENT USE ACTIVE INVESTIGATIVE TECHNIQUES IN TRAFFICKING IN PERSONS INVESTIGATIONS? Yes. TO THE EXTENT POSSIBLE UNDER DOMESTIC LAW, ARE TECHNIQUES SUCH AS ELECTRONIC SURVEILLANCE, UNDERCOVER OPERATIONS, AND MITIGATED PUNISHMENT OR IMMUNITY FOR COOPERATING SUSPECTS USED BY THE GOVERNMENT? Undercover operations are primary tools. There are very strict regulations for use of electronic surveillance. DOES THE CRIMINAL PROCEDURE CODE OR LAWS PROHIBIT THE POLICE FORM ENGAGING IN COVERT OPERATIONS? No.

1G. DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR GOVERNMENT OFFICIALS IN HOW TO RECOGNIZE, INVESTIGATE, AND PROSECUTE INSTANCES OF TRAFFICKING? GOP provides limited internal training. Most training is provide by third parties. DHS/ICE provided specialized training in May and September 2003 to GOP agencies on investigation and prosecution of child pornography in Miami. (Ref. N) The Spanish government has proposed additional legal training for the PTJ Sex Crimes Unit this year.

1H. DOES THE GOVERNMENT COOPERATE WITH OTHER GOVERNMENTS IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING CASES? Yes, but depends on types of cases. The GOP recently cooperated with the GOC on the take down of child prostitution ring in Panama. (Ref. F) Some of the ring leaders were Colombians. Immigration and MFA are very active with IOM programs to combat alien smuggling and TIP. IF POSSIBLE, CAN POST PROVIDE THE NUMBER OF COOPERATIVE INTERNATIONAL INVESTIGATIONS ON TRAFFICKING? At the moment, there is no additional data on cases other than that already listed.

1I. DOES THE GOVERNMENT EXTRADITE PERSONS WHO ARE CHARGED WITH TRAFFICKING IN OTHER COUNTRIES? No known extradition requests DOES THE GOVERNMENT EXTRADITE ITS OWN NATIONALS CHARGED WITH SUCH OFFENSES? No known extradition requests IF

NOT, IS THE GOVERNMENT PROHIBITED BY LAW FROM EXTRADITING ITS OWN NATIONALS? Constitution prohibits extradition of Panamanians.

1J. IS THERE EVIDENCE OF GOVERNMENT INVOLVEMENT IN OR TOLERANCE OF TRAFFICKING, ON A LOCAL OR INSTITUTION LEVEL? No. As mentioned before, there are allegations that a Panamanian consul is facilitating TIP related visa and/or passport fraud. Embassy is confident GOP would welcome evidence, if it could be found, and take appropriate action. Corruption is systemic in Panama but no current evidence indicates ties to TIP.

1K. IF GOVERNMENT OFFICIALS ARE INVOLVED IN TRAFFICKING, WHAT STEPS HAS THE GOVERNMENT TAKEN TO END SUCH PARTICIPATION? Embassy is following up on report that GOP deported diplomatic officials from a third-country for TIP and/or alien smuggling. (Ref. O) HAVE ANY GOVERNMENT OFFICIALS BEEN PROSECUTED FOR INVOLVEMENT TRAFFICKING OR TRAFFICKING RELATED CORRUPTION? No GOP officials have been charged.

1L. HAS THE GOVERNMENT SIGNED, RATIFIED, AND/OR TAKEN STEPS TO IMPLEMENT THE FOLLOWING INTERNATIONAL INSTRUMENTS? PLEASE PROVIDE THE DATE OF SIGNATURE/RATIFICATION IF APPROPRIATE?

ILO CONVENTION 182: Ratified on June 15, 2000. Deposited in Geneva on October 31, 2000
ILO CONVENTION 29: Ratified in 1930
ILO CONVENTION 105: Ratified in 1957
THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC): Signed on October 31, 2000 and ratified on February 9, 2001
THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME: Panama signed this convention on December 13, 2000 but has not yet ratified it.

16. (SBU) Answers to checklist question 21

1A. DOES THE GOVERNMENT ASSIST VICTIMS, FOR EXAMPLE, BY PROVIDING TEMPORARY TO PERMANENT RESIDENCY STATUS, RELIEF FROM DEPORTATION, SHELTER AND ACCESS TO LEGAL, MEDICAL, AND PSYCHOLOGICAL SERVICES? IF SO, PLEASE EXPLAIN. Access to legal, medical, and psychological services are available. PTJ has a crime victims assistance center at PTJ headquarters in Panama City. Service coordination is available at this center. These services are not specifically focused on TIP victims but are designed to provide more generalized victims assistance. MFA is proposing, in cooperation with IOM, the creation of shelter for victims of alien smuggling and TIP. This shelter and its services will be based on local NGO Casa Esperanza (see para 5(I)). Immigration coordinates referrals to hospitals and NGOs for scheduled deportees who claim to be victims of abuse and TIP. (Ref. L) DOES THE COUNTRY HAVE VICTIM CARE AND VICTIM HEALTH CARE FACILITIES? PTJ center coordinates victim referrals to these services. Some hospitals and clinics have medical staff trained to treat rape and other sexual assault victims. TIP-specific training would be beneficial. IF SO, CAN POST PROVIDE THE NUMBER OF VICTIMS PLACED IN THESE CARE FACILITIES? Statistics are not tracked for TIP victims specifically. ARE TRAFFICKING VICTIMS OFFERED HIV/AIDS SCREENING OR OTHERWISE TESTED FOR HIV/AIDS? IF SO, WHAT ARE THE RESULTS? HIV/AIDS screening is offered but on a broader basis both to rape and sexual assault victims and to sex workers. HIV/AIDS screenings are required and provided by the Ministry of Health for registered sex workers. (Ref. M)

1B. DOES THE GOVERNMENT PROVIDE FUNDING OR OTHER FORMS OF SUPPORT TO FOREIGN OR DOMESTIC NGOS FOR SERVICES FOR VICTIMS? PLEASE EXPLAIN. There is no direct financial support of NGOs by government.

1C. IS THERE A SCREENING AND REFERRAL PROCESS IN PLACE, WHEN APPROPRIATE, TO TRANSFER VICTIMS DETAINED, ARRESTED OR PLACED IN PROTECTIVE CUSTODY BY LAW ENFORCEMENT AUTHORITIES TO NGO'S THAT PROVIDE SHORT OR LONG TERM CARE? The PTJ center coordinates victims assistance. There is no formal and publicized procedure specifically related to TIP victims and NGOS. Most victims assistance is coordinated through the Sex Crimes Unit. Those NGOS that work with victims (adult and minors) of sexual abuse and assault are well known and law enforcement authorities can make referrals on ad-hoc basis. The services are available, but better coordination and publicity about victims assistance is needed.

1D. ARE THE RIGHTS OF VICTIMS RESPECTED OR ARE VICTIMS TREATED AS CRIMINALS? Victims are not treated as criminals; their rights are respected. **ARE VICTIMS DETAINED, JAILED OR DEPORTED?** Victims are not usually jailed. A small portion of deported sex workers who are held in custody may have been TIP victims, although none claimed to be. Enhanced victim identification training would be useful. **IF DETAINED OR JAILED, FOR HOW LONG?** Most victims are not detained. If they committed another crime or are awaiting deportation, then the jail time will vary depending on the circumstances. **ARE VICTIMS FINED?** Not unless they are found guilty of a crime. **ARE VICTIMS PROSECUTED FOR VIOLATIONS OF OTHER LAWS, SUCH AS THOSE GOVERNING IMMIGRATION OR PROSTITUTION?** As stated, there may be small percentage of undocumented sex workers (primarily Colombians, with smaller percentage of Dominicans) who could TIP victims. Because of their illegal work status, they can be charged with immigration and labor violations. According to GOP, almost all ask for voluntary departure.

1E. DOES THE GOVERNMENT ENCOURAGE VICTIMS TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKERS? Yes, victim participation is crucial. PTJ and other law enforcement need a formal complaint to initiate active investigation and prosecutions. Embassy is working with GOP to establish a victims hotline to further assist investigations and victims assistance. **MAY VICTIMS FILE CIVIL SUITS OR SEEK LEGAL ACTIONS AGAINST THE TRAFFICKERS?** Yes. **DOES ANYONE IMPEDE THE VICTIMS' ACCESS TO SUCH LEGAL REDRESS?** Like the United States, civil court cases can be a lengthy and expensive process. **IF VICTIMS ARE MATERIAL WITNESSES IN A COURT CASE AGAINST THE FORMER EMPLOYER, IS THE VICTIM PERMITTED TO OBTAIN OTHER EMPLOYMENT OR LEAVE THE COUNTRY?** They are permitted to leave country. If they have legal status to work, they can seek other employment. **IS THERE A VICTIM RESTITUTION PROGRAM?** No.

1F. WHAT KIND OF PROTECTION IS THE GOVERNMENT ABLE TO PROVIDE FOR VICTIMS AND WITNESSES? Identity of victims are not revealed. There is not a witness protection program. **DOES IT PROVIDE THESE PROTECTIONS IN PRACTICE?** Yes

1G. DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR GOVERNMENT OFFICIALS IN RECOGNIZING TRAFFICKING AND IN PROVISION OF ASSISTANCE TO TRAFFICKING VICTIMS, INCLUDING THE SPECIAL NEEDS OF TRAFFICKED CHILDREN? GOP has limited internal training but approximately 20-30 GOP officials from seven different ministries have received training from 3rd parties in Panama and abroad. Ad hoc training is provided by DHS/ICE officials to Customs and Labor inspectors on forced child labor, including commercial sexual exploitation and child pornography. DHS/ICE officials at Panama international airport provide informal training to Immigration officials on identification of potential TIP victims entering country. GOP sent six officials from the MFA, PNP, and Immigration to specialized TIP training in Bogota this year. In February 2003, the head of Immigration, an assistant district attorney and a Panamanian journalist all attended Washington, D.C. TIP conference. (Ref. Q) Embassy, with G/TIP support, will provide training from the Paul and Lisa Project in April 2004 to approximately 40-50 professionals from the PNP, PTJ, Immigration, Fiscales Courts, Labor, MFA, Customs, Youth, Women, Children and Family Affairs, ILO/IPEC, NGOs, and members of the local press. (Ref. C, N) Department of Justice (DOJ) is scheduled to provide training to GOP officials in October 2004. **DOES THE GOVERNMENT PROVIDE TRAINING ON PROTECTION AND ASSISTANCE TO ITS EMBASSIES AND CONSULATES IN FOREIGN COUNTRIES THAT ARE DESTINATION OR TRANSIT COUNTRIES?** Panama is not a country of origin for TIP victims. **DOES GOVERNMENT URGE THOSE EMBASSIES AND CONSULATES TO DEVELOP ONGOING RELATIONSHIPS WITH NGOS THAT SERVE TRAFFICKED VICTIMS?**
N/A, see above

1H. DOES THE GOVERNMENT PROVIDE ASSISTANCE, SUCH AS MEDICAL AID, SHELTER, OR FINANCIAL HELP, TO ITS REPATRIATED NATIONALS WHO ARE VICTIMS OF TRAFFICKING? N/A, Panama is not a country of origin.

1I. WHICH NGOS, IF ANY, WORK WITH TRAFFICKED VICTIMS? ILO/IPEC (commercial sexual exploitation of minors) and Nueva Era en Salud (Sex Workers/Public Health). The following NGOs do not have specific programs for TIP victims only but sponsor victim assistance programs. Casa Esperanza (education/housing/nutrition for minors), Hogar Luisa McGrath (victims of incest/rape), Mujeres Coloneses en Camino (women's assistance programs). There are a number of other NGOs with similar programs. **WHAT TYPE OF SERVICES DO THEY PROVIDE? WHAT SORT OF COOPERATION DO THEY RECEIVE FROM LOCAL AUTHORITIES?** Education, nutrition, health services and shelter. Many provide counseling programs. The GOP does not financially support these NGOS. The government cooperates

with their missions but a combined and more structured
GOP/NGO victims referral system would improve TIP victim
assistance.

17. (U) Embassy point of contact for TIP issues is Political
Officer John McIntyre (507) 207-7183, (F) 507-207-7418. Time
spent preparing this report: 60 hours. Members of Embassy
TIP working group spent between 2-10 hours reviewing this
report.

COMMENT

18. (SBU) Panama, like the vast majority of nations
(including the United States), suffers the ill effects of
TIP. While the magnitude of the problem is not nearly equal
to that of familial sex abuse, violence against women and
children, and drug abuse, the GOP has recognized that TIP
must be addressed aggressively. Like any nation with limited
resources, there are a number of areas where efforts to
combat TIP could be improved. As noted in Reftel (C),
improved training, increased victims assistance, and better
laws are needed. The GOP's ongoing efforts to combat TIP can
be enhanced by USG material support and expertise. The GOP
is already a willing partner in USG efforts to stem the drug
trade, money-laundering, and alien smuggling. With better
coordination of their efforts, the GOP and NGOs can ensure
that Panama's TIP problem is a short term anomaly rather than
a long term and growing blight.

WATT